

REMARKS

This is in response to the Office Action mailed July 29, 2004. Claims 1-15 remain cancelled. Claims 16, 20, 21, 34, 43, 44, and 45 have been amended. Claim 19 has been cancelled. Claims 16-18 and 20-45 are currently pending.

Information Disclosure Statement Filed August 27, 2003

The Examiner has stated that the Information Disclosure Statement filed August 27, 2003 fails to comply with 37 CFR 1.98(a)(2) and (a)(3) because a copy of UK 1,434,832 and the non-patent documents Arbeitsgruppe Wirkerei and Willkommen were not submitted and an explanation of the relevance of Arbeitsgruppe/Technikfelder was not filed.

Applicants believe that a copy of UK 1,434,832 and the non-patent document Willkommen were submitted with the Information Disclosure Statement of August 27, 2003 but are submitting additional copies with this response. Applicants supplied an incomplete copy of the non-patent document Arbeitsgruppe Wirkerei and are sending a complete copy with this response. Applicants apologize for this oversight. On page 2 of the Information Disclosure Statement, Applicants stated that Arbeitsgruppe/Technikfelder provided at <http://www.ti.tv-greiz.de/deu/aguebers.htm> was relevant as providing general information about spacer woven fabric or spacer knitted fabric. Applicants respectfully request that these references be considered by the Examiner.

Objections to the Drawings

The Examiner has objected to Figure 4 because it was not labeled separately in accordance with 37 CFR 1.84(u)(1,2) and the brief description of the drawings broadly described Figure 4 instead of Figure 4a and 4b. The drawing has been amended to separately label Figure 4 as Figure 4a and Figure 4b. Further, references to Figure 4 in the brief description of the

drawings and throughout the specification have been amended to reflect this change and now refer to Figures 4a and 4b. It is believed that the objections to Figure 4 have been corrected.

Objections to the Disclosure

The Examiner has objected to the disclosure because of omitted section headings and reference to the claims. The specification has been amended to include the section headings and reference to the claims. It is believed that the objections to the disclosure have been corrected.

Use of the Trademark VELCRO

The Examiner has pointed out the use of the trademark VELCRO in the disclosure. The specification has been amended to capitalize the trademark throughout and provide generic terminology. It is believed that this has been corrected.

Objection to the Hyperlink

The Examiner objected to the use of hyperlinks in the disclosure. Applicants have deleted reference to hyperlinks and believe that this has been corrected.

Objection to the Abstract

The Examiner has objected to the abstract as not being in the proper language and format and including implied language and miscellaneous text. The abstract has been amended to correct these objections. Specifically, on line 1, the phrase "Disclosed is a" has been deleted and replaced with "A" as the examiner suggested. Further, the miscellaneous text "(Fig. 5)" has been deleted.

Objection to Claim 34

The Examiner has objected to claim 34 as including the trademark VELCRO in the claim. The Examiner suggested replacing VELCRO with "hook and loop fastener" and the claim has been amended to include this change.

Rejections Under 35 U.S.C. § 112 Paragraph 1

The Examiner has rejected claim 29 under § 112 first paragraph as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

On page 6 of the original application, line 35 and continuing on to page 7 line 1, the application teaches a coating to help the rescue mat be pulled over a surface. The application teaches that this coating is "sealed, non-water-permeable, washable and readily capable of being disinfected." Further, in original claim six, now cancelled, the coating is characterized as "water-impermeable, washable and readily able to be disinfected as well as preferably, *air-permeable*" (emphasis added). The claims as filed in the original specification are part of the disclosure. Therefore, original claim 6 together with the disclosure on pages 6 and 7 describes the subject matter in claim 29 as to reasonable convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. The specification has been amended on page 7, line 24 of the clean copy of the Substitute Specification to include the additional language in original claim 6. This is not new matter since it was included with the original specification.

Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 16-18, 22-24, 26-28, 30, 33, 34, and 42-45 as anticipated by Hemphill. Applicants respectfully traverse this rejection.

Claims 16, 43, 44, and 45 have been amended to further define the substantially flat material as comprising a spacer woven fabric. As the Examiner stated, Hemphill does not disclose the feature of the material being a spacer woven fabric. Therefore, Hemphill cannot anticipate amended claims 16, 43, 44, and 45 or any dependent claims that depend from claims

16, 43, 44, and 45. Claim 19 has been cancelled. Claims 20 and 21 have been amended to refer back to claim 16.

Rejections Under 35 U.S.C. § 103(a)

Hemphill in View of Miller - The Examiner has rejected claims 19-21 under 35 USC § 103(a) as unpatentable over Hemphill in view of Miller stating that Miller shows a pediatric immobilization device having a substantially flat material of spacer woven fabric in Figures 1 and 2. Applicants respectfully traverse this rejection.

Claim 19 has been cancelled. Regarding claims 20 and 21, Applicants define "spacer woven fabric" on page 3 lines 6-9 of the clean copy of the Substitute Specification as "a material which has two fabric cover layers which are held at a spacing of a few millimeters by distance-maintaining bridge threads" (emphasis added). One embodiment, spacer knitted fabric, is shown in Figures 4a and 4b. A spacer woven fabric provides an advantage over a regular woven fabric in that it creates a cushioning effect which is desirable when using this material with the rescue mat of the present invention. Miller does not show in Figures 1 or 2, or disclose in the specification, a spacer woven fabric, or equivalent material, that meets this definition. Miller describes the cover (14) at column 3 line 65 to column 4 line 2 as "preferably constructed of a durable, washable material such as nylon, rayon or canvas. The selected cover material should be easy to clean and disinfect, and yet durable enough to withstand harsh treatment, either in the field or in the hospital." This description does not describe a spacer woven fabric as disclosed in the present application. Accordingly, a prima facie case of obviousness cannot be made because all claim limitations for claims 20-21, and specifically a spacer woven fabric, are not taught or suggested by Hemphill or Miller, either individually or in combination. This rejection also does

not apply to amended claims 16, 43, 44, and 45 and their dependent claims which include the element of spacer woven fabric.

Hemphill in View of Failor – The Examiner has rejected claim 25 as unpatentable over Hemphill in view of Failor. Applicants respectfully traverse this rejection. Claim 25 now ultimately refers back to claim 16 which includes the spacer woven fabric element which is not taught by Hemphill, Miller, or Failor. Accordingly, a prima facie case of obviousness cannot be made because all claim limitations for claim 25 are not taught or suggested by Hemphill, Miller, or Failor, either individually or in combination.

Hemphill – The Examiner has rejected claims 31 and 35-41 as unpatentable over Hemphill. Applicants respectfully traverse this rejection. Claims 31 and 35-41 now ultimately refer back to claim 16 which includes the spacer woven fabric element which is not taught by Hemphill. Accordingly, a prima facie case of obviousness cannot be made because all claim limitations for claims 31 and 35-41 are not taught or suggested by Hemphill.

Summary

Applicants respectfully disagree with the Examiner's characterization of the prior art references and what would have been obvious to one having ordinary skill in the art. In view of the above, each of the presently pending claims in this application is believed to be an immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Application No. 10/649,153
Amendment Dated 10/8, 2004
Response to Office Action of July 29, 2004

PATENT
Docket Number 1810US01-EE

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact applicant's primary attorney of record, Andrew D. Sorensen, Reg. No. 33,606 at 651-306-5810.

Respectfully submitted,

ECOLAB INC.
Law Department
Research and Development Center
840 Sibley Memorial Highway
Mendota Heights, MN 55118
Telephone: (651) 306-5810
Facsimile: (651) 306-4272

Dated: 10/8/04

By: AS
Name: Andrew D. Sorensen
Reg. No. 33,606

Application No. 10/649,153
Amendment Dated 10/8, 2004
Response to Office Action of July 29, 2004

PATENT
Docket Number 1810US01-EE

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figures 4a and 4b.

Attachment: Replacement Drawing Sheet 1